

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GREGORY GOODWIN)	
)	
Plaintiff,)	Civil Action No. 05-161 Erie
)	
v.)	Judge Maurice B. Cohill, Jr.
)	
ACCURIDE ERIE, L.P.)	
)	
Defendant.)	

**PLAINTIFF'S BRIEF IN OPPOSITION TO
DEFENDANT'S MOTION TO COMPEL AS BEING MOOT**

AND NOW COMES Plaintiff, Gregory Goodwin, by and through his counsel, Joseph H. Chivers, Esquire, and hereby respectfully opposes Defendant's Motion to Compel.

On January 13, 2006, Defendant filed a Motion to Compel. In the Motion, Defendant referred to Plaintiff's counsel's intent to serve Goodwin's Answers the week of January 9, 2006. In fact, Plaintiff's counsel served the Answers on January 13, 2006. Therefore, Defendant's Motion is moot.

WHEREFORE, Defendant's Motion is moot and should either be withdrawn by Defendant, or denied by the Court.

Respectfully submitted,

s/Joseph H. Chivers
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